



February 15, 2008

ENGROSSED HOUSE BILL No. 1036

DIGEST OF HB 1036 (Updated February 12, 2008 11:36 am - DI 71)

Citations Affected: IC 9-25.

Synopsis: Uninsured motorists. Requires the bureau of motor vehicles to establish a registry of previously uninsured motorists for random, periodic verification by the bureau of financial responsibility compliance. Requires the bureau to adopt rules. Makes a failure of a previously uninsured motorist to respond to a bureau request for verification prima facie evidence of a financial responsibility violation. Provides for removal of names from the registry.

Effective: July 1, 2008.

Ulmer, Fry, Ripley, Noe
(SENATE SPONSORS — STEELE, PAUL)

January 8, 2008, read first time and referred to Committee on Insurance.
January 24, 2008, amended, reported — Do Pass.
January 29, 2008, read second time, amended, ordered engrossed.
January 30, 2008, engrossed. Read third time, passed. Yeas 91, nays 1.

SENATE ACTION

February 5, 2008, read first time and referred to Committee on Homeland Security,
Transportation and Veterans Affairs.
February 14, 2008, amended, reported favorably — Do Pass.

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EH 1036—LS 6073/DI 103+



February 15, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1036

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-25-10 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]:

4 **Chapter 10. Previously Uninsured Motorist Registry**

5 **Sec. 1. As used in this chapter, "conviction" refers to a**
6 **conviction for operating a motor vehicle without financial**
7 **responsibility in violation of IC 9-25.**

8 **Sec. 2. As used in this chapter, "previously uninsured motorist"**
9 **refers to a person:**

10 (1) **against whom a judgment is entered for; or**

11 (2) **who is convicted of;**

12 **operating a motor vehicle without financial responsibility in**
13 **violation of IC 9-25 after December 31, 2009.**

14 **Sec. 3. As used in this chapter, "registry" refers to the electronic**
15 **registry of previously uninsured motorists established under**
16 **section 4 of this chapter.**

17 **Sec. 4. The bureau shall, not later than January 1, 2010,**

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1 establish an electronic registry of previously uninsured motorists
 2 to facilitate the random and periodic verification by the bureau of
 3 compliance with IC 9-25.

4 Sec. 5. The bureau shall adopt rules under IC 4-22-2 to
 5 implement this chapter. Rules adopted under this section must do
 6 the following:

7 (1) Establish the method of random selection of names of
 8 previously uninsured motorists from the registry.

9 (2) Establish the methods by which the bureau may request
 10 evidence of financial responsibility from a previously
 11 uninsured motorist whose name was randomly selected from
 12 the registry.

13 (3) Establish the methods by which a previously uninsured
 14 motorist may respond to the bureau's request for evidence of
 15 financial responsibility.

16 (4) Establish a schedule for the entry, updating, and timely
 17 removal of names on or from the registry.

18 Sec. 6. The failure by a previously uninsured motorist to
 19 respond to the bureau's request for verification of financial
 20 responsibility under this chapter constitutes prima facie evidence
 21 of operating a motor vehicle without financial responsibility in
 22 violation of IC 9-25.

23 Sec. 7. (a) The bureau shall remove the name of a previously
 24 uninsured motorist from the registry not more than five (5) years
 25 after the date on which the judgment or conviction for which the
 26 motorist's name is maintained on the registry was entered against
 27 the motorist.

28 (b) If a previously uninsured motorist is convicted of a second
 29 or subsequent offense under IC 9-25, the bureau shall remove the
 30 motorist's name from the registry not more than five (5) years
 31 after the date on which the second or subsequent conviction is
 32 entered.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1036, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 7 through 17, begin a new paragraph and insert:

"SECTION 2. IC 9-25-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 10. Previously Uninsured Motorist Registry

Sec. 1. As used in this chapter, "conviction" refers to a conviction for operating a motor vehicle without financial responsibility in violation of IC 9-25.

Sec. 2. As used in this chapter, "previously uninsured motorist" refers to a person:

- (1) against whom a judgment is entered for; or
- (2) who is convicted of;

operating a motor vehicle without financial responsibility in violation of IC 9-25 after June 30, 2008.

Sec. 3. As used in this chapter, "registry" refers to the electronic registry of previously uninsured motorist established under section 4 of this chapter.

Sec. 4. The bureau shall establish an electronic registry of previously uninsured motorists to facilitate the random and periodic verification by the bureau of compliance with IC 9-25.

Sec. 5. The bureau shall adopt rules under IC 4-22-2 to implement this chapter. Rules adopted under this section must do the following:

- (1) Establish the method of random selection of names of previously uninsured motorists from the registry.
- (2) Establish the methods by which the bureau may request evidence of financial responsibility from a previously uninsured motorist whose name was randomly selected from the registry.
- (3) Establish the methods by which a previously uninsured motorist may respond to the bureau's request for evidence of financial responsibility.
- (4) Establish a schedule for the entry, updating, and timely removal of names on or from the registry.

Sec. 6. The failure by a previously uninsured motorist to respond to the bureau's request for verification of financial responsibility under this chapter constitutes prima facie evidence

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of operating a motor vehicle without financial responsibility in violation of IC 9-25.

Sec. 7. (a) The bureau shall remove the name of a previously uninsured motorist from the registry not more than five (5) years after the date on which the conviction for which the motorist's name is maintained on the registry was entered against the motorist.

(b) If a previously uninsured motorist is convicted of a second or subsequent offense under IC 9-25, the bureau shall remove the motorist's name from the registry not more than five (5) years after the date on which the second or subsequent conviction is entered."

Delete page 2.

Page 3, delete lines 1 through 18.

Page 4, delete lines 32 through 42.

Delete page 5.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1036 as introduced.)

FRY, Chair

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1036 be amended to read as follows:

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 9-25-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.5. (a) If a person is convicted of or has a judgment entered against the person for a moving traffic offense in violation of:**

- (1) IC 9-21-5;**
- (2) IC 9-21-6;**
- (3) IC 9-21-7;**
- (4) IC 9-21-8;**
- (5) IC 9-21-9;**
- (6) IC 9-21-10;**
- (7) IC 9-21-12;**

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(8) IC 9-21-13; or

(9) IC 9-21-14;

the court shall require the person to show proof to the bureau that financial responsibility was in force on the date of the violation in the same manner as required for an operator of a motor vehicle involved in an accident under IC 9-26-1.

(b) If a person fails to provide proof of financial responsibility as required by subsection (a), the court shall do the following:

(1) Suspend the person's current driving license or vehicle registration, or both.

(2) Order the person to surrender immediately the person's current driving license or vehicle registration to the court.

(c) A suspension under this section is subject to the same provisions concerning procedure for suspension, duration of suspension, and reinstatement applicable to other suspensions under this chapter."

Page 2, line 2, delete "June 30, 2008." and insert "**December 31, 2009.**".

Page 2, line 6, after "shall" insert ", **not later than January 1, 2010,**".

Page 2, line 30, after "on which the" insert "**judgment or**".

Page 4, after line 8, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) The bureau of motor vehicles shall, not later than June 30, 2008:**

(1) amend a form used on April 1, 2008, by an operator of a motor vehicle to show proof of financial responsibility as required under IC 9-26-1; or

(2) establish a new form;

for use by an operator of a motor vehicle to show proof of financial responsibility as required under IC 9-25-5-1.5, as added by this act.

(b) This SECTION expires December 31, 2008.

SECTION 7. **An emergency is declared for this act.**"

Re-number all SECTIONS consecutively.

(Reference is to HB 1036 as printed January 25, 2008.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1036, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete page 1.

Page 2, delete lines 1 through 17.

Page 2, line 32, delete "motorist" and insert "**motorists**".

Page 3, delete lines 25 through 42.

Delete pages 4 through 5.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1036 as reprinted January 30, 2008.)

WYSS, Chairperson

Committee Vote: Yeas 6, Nays 0.

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